



PATENT
Attorney Docket 061834-5028-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Andrew Sparks *et al.***)
)
Application No: **10/807,856**) Art Unit: **1639**
)
Filed: **March 23, 2004**) Examiner: **M. L. Shibuya**
)
For: **Polypeptides Having a Functional Domain of**)
 Interest and Methods of Identifying and)
 Using Same)

NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 7, 2006 of the Examiner finally rejecting claims 1, 42 and 103-109.

The Commissioner is hereby authorized to charge **\$250.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 10, 2006**
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Respectfully submitted,
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